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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/079,054	02/18/2002	Stephen T. Staphanos	R22.12-0028	5125

7590 04/11/2003

WESTMAN, CHAMPLIN & KELLY  
SUITE 1600-INTERNATIONAL CENTRE  
900 SECOND AVENUE SOUTH  
MINNEAPOLIS, MN 55402-3319

EXAMINER


POLITZER, JAY L

ART UNIT	PAPER NUMBER
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2856

DATE MAILED: 04/11/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. <b>10/079,054</b>	Applicant(s) <b>Stephanos et al</b>	
	Examiner <b>Jay Politzer</b>	Art Unit <b>2856</b>	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**  
 A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.  
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.  
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.  
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).  
 - Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**  
 1) ☒ Responsive to communication(s) filed on Feb 11, 2003.  
 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.  
 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

**Disposition of Claims**  
 4) ☒ Claim(s) 14-31 is/are pending in the application.  
     4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
 6) ☒ Claim(s) 14-31 is/are rejected.  
 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**  
 9) ☐ The specification is objected to by the Examiner.  
 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
     If approved, corrected drawings are required in reply to this Office action.  
 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**  
 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☐ All b) ☐ Some\* c) ☐ None of:  
         1. ☐ Certified copies of the priority documents have been received.  
         2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
         3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
     \*See the attached detailed Office action for a list of the certified copies not received.  
 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  
     a) ☐ The translation of the foreign language provisional application has been received.  
 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**  
 1) ☒ Notice of References Cited (PTO-892)                      4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_  
 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)                      5) ☐ Notice of Informal Patent Application (PTO-152)  
 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 6, 7                      6) ☐ Other:

Serial Number: 10/079,054

Art Unit: 2856

Title: GENERATOR MONITORING, CONTROL AND EFFICIENCY

Filed: 2/18/02

Inventor(s): Stephanos et al

### ***DETAILED ACTION***

#### **REJECTIONS OVER PRIOR ART UNDER 35 U.S.C. § 102:**

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

"A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States."

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 14-17, 19-20 and 28-29 are rejected under 35 U.S.C. § 102(e) as being anticipated by Mazereeuw et al, hereinafter Mazereeuw.

Regarding Claims 14, 17, 19 and 28-29; see ¶5.

Regarding Claim 15; see P9.

Regarding Claim 16; see ¶11.

Regarding Claim 20; see abstract.

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**REJECTIONS OVER PRIOR ART UNDER 35 U.S.C. § 103:**

3. The following is a quotation of 35 U.S.C. § 103 which forms the basis for all obviousness rejections set forth in this Office action:

"A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Subject matter developed by another person, which qualifies as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person."

4. Claims 18, 21-27 and 30 are rejected under 35 U.S.C. § 103 as being unpatentable over Mazereeuw as applied to claim 14, above, in view of Greeb.

Regarding Claim 18; Mazereeuw fails to teach phase matching. Greeb teaches phase matching at Col 14, Li 1-11. It would have been obvious to one of ordinary skill in the art at the time of the invention to implement phase matching because if the phase is mismatched, power will be lost.

Regarding Claims 21-27 and 30; Mazereeuw fails to teach emission monitoring as well as other parameters. Greeb teaches emission monitoring as well as other parameters at Col 14, Li 1-24. It would have been obvious to one of ordinary skill in the art at the time of the

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invention to monitor emissions as well as other parameters to comply with federal regulations and optimize profit.

5. Claim 31 is rejected under 35 U.S.C. § 103 as being unpatentable over Mazereeuw as applied to claim 14, above, and in view of Fuller.

Regarding Claim 31; Mazereeuw fails to monitor emissions with LIDAR. Fuller monitors emissions with LIDAR at Col 1, Li 34-37. It would have been obvious to one of ordinary skill in the art at the time of the invention to monitor emissions with LIDAR because Fuller notes the advantage of "its range determining capability".

#### DESCRIPTION OF UNAPPLIED ART:

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure because it teaches other aspects of the claimed invention.

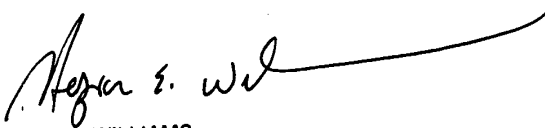
#### INQUIRIES:

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dr. Jay L. Politzer whose telephone number is (703) 305-4930 and whose facsimile number is (703) 308-7382
8. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Hezron E. Williams, can be reached at (703) 305-4705.
9. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-4900.

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72P

  
HEZRON WILLIAMS  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2800